

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RICHARD J. HILL,

Plaintiff,

v

JUSTIN WONCH,

Defendant.

U.S. District Judge:
Hon. Hala Y. Jarbou

U.S. Magistrate Judge:
Maarten Vermaat

Case No: 2:19-cv-159

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DEFENDANT'S VOIR DIRE

Defendant Justin Wonch through his attorneys, Kitch Drutchas Wagner Valitutti & Sherbrook, requests the following Voir Dire to be put to the jury panel:

1. We all have watched movies and TV shows about lawyers. We all have watched movies and TV shows about cops. It may not surprise you to hear that many times what is shown in TV shows and movies does not accurately show what these people actually do. No one in show business takes an oath to tell the truth. Would any of you have any difficulty setting aside any impressions or conclusions that you may derive from movies and TV shows about lawyers or about cops, in considering the case that will be presented to you this week?

2. Have any of you, a family member or friend -

- had any encounter with a police officer that involved the use of force, either firearms or the use of physical force?

- had any encounter with a police officer that involved resisting arrest?
- had any encounter with a police officer that was particularly negative?
- ☐ particularly positive?
- had any dealings with a police department with respect to
- ☐ a report of a concern or observation?
- ☐ a report to a higher official within the department?
- ☐ a report to a city, village or township?
- had any dealings with a police department that were thought to involve an effort by the department to cover up or protect an officer?
- worked for a city, village, township, or county?

3. We all have heard, particularly in the last two years, numerous reports about encounters between police officers and citizens, or between police officers and criminal suspects. These events have raised serious questions. This is a regular source of controversy in this country, with many loud voices being heard. Each case, each occurrence, and each set of facts is different. What happens in one case is often quite different from what happens in another. People who offer commentary on TV about these events, or people who make speeches or who march in the streets, are not sworn to tell the truth. Would those debates and controversies influence your consideration of the facts of this case, the law that applies, or how that law should be applied to the facts?

4. Would any of you be unable or unwilling to set aside any issues that you may have heard about before today, and to consider only the evidence in this case and the testimony of witnesses who are sworn in this courtroom, in your presence, to tell the truth?

5. Is there anyone who would come to a dispute like this one with a preconceived idea, either for or against, a police officer who is acting to place a person under arrest after finding probable cause that a crime was committed?

6. Is there anyone who would come to a dispute like this one with a preconceived idea, either for or against, a suspect who is accused or suspected of a crime?

7. Would all of you agree that the behavior of each of them, the subject and the officer, has to be evaluated and judged fairly and impartially?

8. Would all of you agree that the behavior of each of them, the subject and the officer, has to be evaluated and judged according to legal standards?

9. You will be instructed by the court that your decision has to be made based solely on what is presented to you in this courtroom this week:

- that you need to start off this week with a clean slate

- that you may not allow yourself to be influenced by other events that you may have heard about, or that you might even hear about this week

Will any of you have any difficulty doing that?

10. You will be instructed that you may apply your own common sense, your knowledge of what is right and wrong, and your knowledge of human beings and how they behave and should behave, in considering the facts of this case and in applying the law, as the court instructs you, to those facts. Will any of you have any difficulty doing that?

11. But you will also be instructed about what the law requires, and that you have to make your decisions in this case by applying the law as you are instructed, not by what you may think the law should be. Will any of you have any difficulty doing that?

Respectfully submitted,

KITCH DRUTCHAS WAGNER
VALITUTTI & SHERBROOK

Dated: July 6, 2022

By: /s/ M. Sean Fosmire
M. Sean Fosmire